

Winston & Strawn LLP
101 California Street
San Francisco, CA 94111-5894

Patrick M. Ryan (CA Bar No. 203215)
WINSTON & STRAWN LLP
101 California Street, Suite 3900
San Francisco, CA 94111-5894
Telephone: 415-591-1000
Facsimile: 415-591-1400
pryan@winston.com

Attorneys for Third-Party Defendant
SAN FRANCISCO PARKING, INC.,
d/b/a CITY PARK

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

CRAIG YATES,

Plaintiff,

v.

UNION SQUARE;

Defendants.

Case No. C 07-04087 JSW

**SAN FRANCISCO PARKING, INC.'S
NOTICE OF PENDENCY OF OTHER
ACTION (PURSUANT TO CIVIL L.R. 3-
13)**

CITY AND COUNTY OF SAN FRANCISCO)
AND CITY OF SAN FRANCISCO UPTOWN)
PARKING CORPORATION,)

Third-Party Plaintiffs,

v.

SAN FRANCISCO PARKING, INC., d/b/a)
CITY PARK, a California corporation; and)
SAN FRANCISCO VALET PARKING, an)
entity of unknown form,)

Third-Party Defendants.

Pursuant to Civil Local Rule 3-13, Third-Party Defendant San Francisco Parking, Inc. (“City Park”) notifies the Court of a related action entitled *Craig Yates v. Union Square; City and County of San Francisco; City of San Francisco Uptown Parking Corporation* pending in the Superior Court of California, San Francisco, Case Number CGC-08-473176 (“Yates State Action”). On January 27, 2008, Plaintiff Craig Yates (“Yates”) filed a Complaint against Union Square, the City and County of San Francisco and San Francisco Uptown Parking Corporation alleging that he was denied full and equal access to the City’s newly renovated Union Square and Union Square Parking Garage in violation of California’s Disabled Rights Statutes. The Yates State Action was filed following the dismissal and severance of the state causes of action originally filed by Yates in the present action – U.S. District Court for Northern District entitled *Craig Yates v. Union Square, et al.*, Case No. C07-04087 JSW (“Yates Federal Action”).

Similar to the Yates Federal Action, the Yates State Action alleges that Yates was discriminated against on the basis of his physical disability as the result of architectural access barriers in the construction and design of the renovated Union Square and the Union Square Parking Garage, including:

- No high top van parking;
- Not enough van spaces;
- Defective or missing signage for high top van parking;
- Obstructions in the crosswalks;
- No marked POT from some of the disabled parking to elevators;
- No overhead clearance for high top vans;
- Insufficient number of disabled parking facilities;
- Inaccessible wheelchair ramps; and
- Inaccessible ticket payment and service facilities and condiment counter

City Park has not been named as a defendant by Yates in either the Yates State Action or the Yates Federal Action. Both actions, however, appear to allegedly form the factual basis for the City and County of San Francisco and San Francisco Uptown Parking Corporation’s (“Third-Party

1 Plaintiffs) Third-Party Complaint against City Park, filed on May 6, 2008. The Third-Party
 2 Complaint alleges that City Park breached its contract to manage the parking of vehicles at the
 3 Union Square Parking Garage by not agreeing to indemnify and defend Third-Party Plaintiffs against
 4 the disability discrimination claims brought by Yates in the Yates Federal Action. Specifically,
 5 Third-Party Plaintiffs claim that the Yates Federal Action is based on Third-Party Plaintiff's alleged
 6 failure to "repair and maintain" the Union Street Parking Garage, and under their contract with City
 7 Park, "repair and maintenance" are City Park's, not Third-Party Plaintiff's responsibility. As a
 8 result, the Third-Party Plaintiffs blame City Park for Yates' disability discrimination claims against
 9 them.

10 Since City Park has not been named as a party in the Yates State Action, and the Court has
 11 recently dismissed and severed Yates' state law discrimination claims, coordination between the
 12 Yates State Action and the present action is not an option.

13 Dated: June 25, 2008

Respectfully submitted,

WINSTON & STRAWN LLP

14
 15 By /s/ Patrick M. Ryan
 16 PATRICK M. RYAN
 17 Attorneys for Third-Party Defendant
 18 SAN FRANCISCO PARKING, INC., DBA CITY PARK
 19
 20
 21
 22
 23
 24
 25
 26
 27
 28